

05- 3- 3: 1:58PM:NGB  
05- 3- 2: 8:00PM:特許庁-A  
05- 3- 2: 3:10PM:NGB

SUGHRUE (1)

:81355613954

日本特許協会 (株)

PAI 05/03/03-0156

:0583791524

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PAT 05/03/02-0132

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# PATENT APPLICATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q65731

Shigehi YAMAMOTO, et al.

Appln No.: 09/806,413

Group Art Unit: 1652

Confirmation No.: 8678

Examiner: David J. Steadman

Filed: March 30, 2001

For: NOVEL ENZYME COMPOSITION AND PRODUCTION METHOD AND USE THEREOF

### DECLARATION UNDER 37 C.F.R. § 1.132

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Kazutaka TSURUHAMI, hereby declare and state:

THAT I am one of the inventors of the invention disclosed and claimed in the above-identified application.

THAT I am a citizen of JAPAN;

THAT I have received the degree of Master in 1997 from Shimane University;

THAT I have been employed by Amano Enzyme Inc. since April 1 of 1993, where I hold a position as a researcher, with responsibility for research and development on enzymes, and their applications;

THAT I am fully familiar with the above-identified U.S. application (hereinafter referred to as "present invention" for brevity);

In my opinion, because the highly stringent hybridization conditions used in Example 10 (page: 68-70 of the specification) and set forth in the claims yield structurally similar DNAs, the hybridization results described in Example 10 indicate that the naturally-occurring polypeptide from

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all of the tested strains are structurally similar. In other words, a person of ordinary skill in the art would not expect to find substantial structural variation between the naturally-occurring diglycosidase enzyme of *Aspergillus fumigatus* and the naturally-occurring enzymes encoded by the hybridizing genes of the other microorganisms within the scope of the claims. In addition, naturally-occurring polypeptides from the microorganisms recited in the claims have actually been isolated and characterized, and shown to be functionally equivalent, as set forth in Table 6 on page 45 of the specification.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: March 2, 2005

Kazutaka Tsuruhami  
Kazutaka TSURUHAMI

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